IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 4744 of 2005

Between:

1 Sri Lakshmi Prasanna Kirana Varthaka Sangam, Rep. By its President Sri L.K. Sahu, S/o. Late N.K. Sahu, Age 65 Years, R/o. Poorna Market, Visakhapatnam.
2 S.K. Riyaz, S/o. A.K. Aziz, Shop No. A-9, R/o. Poorna Market, Visakhapatnam.
3 S.K. Raheem, S/o. S.K. Anka Saheb,
Shop No. A-10, R/o. Poorna Market, Visakhapatnam.
4 K. Manju Bhargavi, D/o. K. Jaganmohan Rao,
Shop No. A-11, R/o. Poorna Market, Visakhapatnam.
5 S. Venkata Rao, S/o. Late Ramanaidu,
Shop No. A-12, R/o. Poorna Market, Visakhapatnam.
6 S. Satyavathi, W/o. S. Ganesh,
Shop No. A-13, R/o. Poorna Market, Visakhapatnam.
7 L.K. Sahu, S/o. Late N.K. Sahu,
Shop No. A-14, R/o. Poorna Market, Visakhapatnam.
8 B. Bhaskara Rao, S/o. Late B. Ramulu,
Shop No. A-15, R/o. Poorna Market, Visakhapatnam.
9 V. Ramesh, S/o. Late V. Satyam,
Shop No. A-16, R/o. Poorna Market, Visakhapatnam.
10 Ch. Nagaraju, S/o. Late Appalaswamy,
Shop No. A-17 R/o. Poorna Market, Visakhapatnam.
11 S. Koteswari, W/o. Late Shivasankar Naidu,
Shop No. A-18 R/o. Poorna Market, Visakhapatnam.
12 Jai Kumar Mengharaj Jhurani, S/o. Late Mengharaj Jhurani,
Shop No. A-19, R/o. Poorna Market, Visakhapatnam.
13 Bhojraj Menghraj Jhurani, S/o. Late Menghraj Hurani,
Shop No. A-20, R/o. Poorna Market, Visakhapatnam.
14 Srichand Menghraj Jhurani, S/o. Late Menghraj Jhurani,
Shop No. A-21, R/o. Poorna Market, Visakhapatnam.
15 Suresh Menghraj Jhurani, S/o. Menghraj Jhurani,

Shop No. A-22, R/o. Poorna Market, Visakhapatnam.
16 K. Bhujanga Rao, S/o. K. Ramamurthy,
Shop No. A-23, R/o. Poorna Market, Visakhapatnam.
17 Hari, S/o. Late G. Yeraiah,
Shop No. A-24, R/o. Poorna Market, Visakhapatnam.
18 Renu Chaudhrani, W/o. Mahesh Kumr chaudhrani,
Shop No. A-26, R/o. Poorna Market, Visakhapatnam.
19 Lakshman Chaudhrani, S/o. Nevandram Chaudhrani,
Shop No. A-27, R/o. Poorna Market, Visakhapatnam.
20 Aziz Rahman, S/o. Sk. ahmad Hussain,
Shop No. A-TAC-3, R/o. Poorna Market, Visakhapatnam.
21 N. Jagannathan, S/o. Late N. Appala Swamy,
Shop No. AC-5, R/o. Poorna Market, Visakhapatnam.
22 S. Varahalu, S/o. Late S. Kannayya,
Shop No. AC-6, R/o. Poorna Market, Visakhapatnam.
23 P.S. Ramakrishna, S/o. Subramanyam,
Shop No. B-2, R/o. Poorna Market, Visakhapatnam.
24 G. Yellayyamma, W/o. Late G. Simhachalam,
Shop No. B-4, R/o. Poorna Market, Visakhapatnam.
25 G. Eswaramma, W/o. G. Sanyasirao,
Shop No. B-5, R/o. Poorna Market, Visakhapatnam.
26 Mahesh Chaudhrani, S/o. Dhanamolu Chaudhrani,
Shop No. B-6, R/o. Poorna Market, Visakhapatnam.
27 K. Appa Rao, S/o. Veeraswamy,
Shop No. B-7, R/o. Poorna Market, Visakhapatnam.
28 M.R. Satyanath, S/o. Raman Kutty,
Shop No. B-12, R/o. Poorna Market, Visakhapatnam.
29 M. Vijay, S/o. Saveri.,
Shop No. B-21, R/o. Poorna Market, Visakhapatnam.
30 O.V. Narayana, S/o. O. Velu,
Shop No. B-22, R/o. Poorna Market, Visakhapatnam.
31 T.P. Vasudevan, S/o. Pappu,
Shop No. B-23, R/o. Poorna Market, Visakhapatnam.
32 T.V. Ashokan, S/o. Vasudevan,
Shop No. B-24, R/o. Poorna Market, Visakhapatnam.
33 T.V. Mohanan,. S/o. Vasudevan,
Shop No. B-25, R/o. Poorna Market, Visakhapatnam.
34 D. Appa Rao, S/o. Inti Yellamma,
Shop No. B-46, R/o. Poorna Market, Visakhapatnam.
35 K.K. Thilakan, S/o. K.V. Kumaran,
Shop No. B-47, R/o. Poorna Market, Visakhapatnam.
36 P.S. Kumaran, S/o. Subrahmanyam,
Shop No. B-61, R/o. Poorna Market, Visakhapatnam.
37 T.R. Kumar, S/o. Tip Raman,
Shop No. B-49, R/o. Poorna Market, Visakhapatnam.
38 T.K. Bhaskaranyar, S/o. Kochakan,
Shop No. B-48, R/o. Poorna Market, Visakhapatnam.
39 C.A. Rappai, S/o. C.D. Anthony,
Shop No. B-50, R/o. Poorna Market, Visakhapatnam.
40 C.A. Francis, S/o. C.D. Anthony,
Shop No. B-51, R/o. Poorna Market, Visakhapatnam.
41 P.S. Shiva, S/o. A.K. Subramanyam
Shop No. B-55, R/o. Poorna Market, Visakhapatnam.

42 V. Shashi, S/o. Late B.K. Shankarnarayana,
Shop No. B-53, R/o. Poorna Market, Visakhapatnam.
43 P. Sathi, S/o. M.M. Raman Kutty,
Shop No. B-56, R/o. Poorna Market, Visakhapatnam.
44 A.P. Sons, Rep. by A.P. Mani, S/o. A. Purushan,
Shop No. B-58, R/o. Poorna Market, Visakhapatnam.
45 K. Gangaraj,
Shop No. B-59, R/o. Poorna Market, Visakhapatnam.
46 K. Tatiyyalu, S/o. K. Venkataramam,
Shop No. B-9, R/o. Poorna Market, Visakhapatnam.
47 P. Satyanarayana, S/o. P. Rama Rao,
Shop No. B-52, R/o. Poorna Market, Visakhapatnam.
48 G. Ramakrishna, S/o. G. Simhachalam,
Shop No Ac-7, R/o. Poorna Market, Visakhapatnam.
49 K.A. Kakumaran, S/o. Late Appukutty,
Shop No. A-3, R/o. Poorna Market, Visakhapatnam.
50 A.R. Sateesh, S/o. Late Rachavan,
Shop No.A-28 R/o. Poorna Market, Visakhapatnam.
51 S.P. Rajamma, D/o. Late Seshayya,
Shop No. B-1, R/o. Poorna Market, Visakhapatnam.
52 Karri Tathabai, S/o. Late Karri Thommayya,
Shop No. A-8, R/o. Poorna Market, Visakhapatnam.

..... PETITIONERS

AND

The Commissioner, Municipal Corporation of Visakhapatnam,
Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring that the respondent are not entitled to evict to the petitioners from the Poorna Market are without following procedure established by law and they are bound by the decree in O.S.No. 1906/1987 on the file of the Court of the IV Additional Munsiff Court, Visakhapatnam.

Counsel for the Petitioners : MR.P.SRI RAGHU RAM

Counsel for the Respondent : MR.N.RANGA REDDY

The Court, at the stage of admission, made the following :

ORDER:

Petitioners are the lessees of commercial premises in Poorna Market belonging to the Municipal Corporation of Visakhapatnam, the respondent herein. The respondent issued notices to the petitioners stating that the market complex has become dilapidated and that it proposes to demolish the same and construct a new complex. It accordingly required the petitioners to co-operate by vacating the premises. The petitioners state that their predecessors have been doing business in market complex since last several decades, and it would result in hardship to them, if they are required to vacate suddenly. They claim to have made a representation, dated 22.01.2005, making certain proposals. Their grievance is that the respondent has not considered the same and is taking steps to forcibly evict the petitioners.

Heard the learned counsel for the petitioners and the learned standing counsel for respondent.

The petitioners do not dispute that they are the lessees of the respondent. The matter of grant of leases of the premises belonging to respondent is governed by the provisions of the Hyderabad Municipal Corporation Act, as extended to the respondent, as well as the Rules made thereunder. The conducting of public auction, in the matter of allotment of such premises, is recognized as one of the transparent methods. The respondent proposes to demolish the existing marketing complex and construct the new one. It is only a matter of evolving certain measures to ensure that the petitioners are not put to hardship all of a sudden. At the same time, the interests of the respondent cannot be sacrificed. Inasmuch as the petitioners have not claimed any title other than those of lessees, the allotment of the newly constructed shops would depend upon the modalities that may be adopted by the respondent. For the present, it would suffice that the respondent takes into account the representation made by the petitioners and evolves necessary methods to protect their interest.

Hence, the writ petition is disposed of directing that the respondent shall take into account the representation dated 22.01.2005, before the petitioners are required to vacate the premises. The respondent shall follow the procedure prescribed for

eviction of the tenants, in case it becomes inevitable to evict them. There shall be no order as to costs.

_____

(L.NARASIMHA REDDY,J)

Date: 10-03-2005

Ts

To

1. The Commissioner, Municipal Corporation of Visakhapatnam, Visakhapatnam.

2. 2 CD copies